

**U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

FILED

FEB -6 2009

DANNY L. MILLER, CLERK
BY ~~DANNY L. MILLER~~ DEPUTY CLERK

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Terry A. Dake - 009656

Attorney for Trustee

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF ARIZONA

9 In re:) In Chapter 7 Proceedings
10 PRIME EXCAVATION, INC.) Case No. 2:08-BK-00154-RTBP
11 Debtor.)
12)
13 ROBERT A. MACKENZIE, Trustee) Adversary No. 2:08-AP-712
14 Plaintiff,)
15 v.)
16 ELISE TOWNSEND:)
JAMES WARREN TOWNSEND;)
17 Defendant.)

CERTIFICATION OF JUDGMENT FOR
REGISTRATION IN ANOTHER DISTRICT

I, Clerk of the United States Bankruptcy Court for the District of Arizona, do certify that the attached judgment is a true and correct copy of the original judgment entered in this proceeding on December 9, 2008 as it appears in the records of this court and that no notice of appeal has been filed, and no motion of the kind set forth in Federal Rule Of Civil Procedure 60, as made applicable by Federal Rule

1 Of Bankruptcy Procedure 9024 has been filed.

2 DATED this 3rd day of February, 2009.

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4 CLERK OF THE COURT
United States Bankruptcy Court

5 By S. Murrill
6 Deputy Clerk
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Dated: December 09, 2008

REDFIELD T. BAUM, SR
U.S. Bankruptcy Judge

5 Terry A. Dake - 009656

6 Attorney for Trustee

7 IN THE UNITED STATES BANKRUPTCY COURT

8 FOR THE DISTRICT OF ARIZONA

9 In re:) In Chapter 7 Proceedings
PRIME EXCAVATION, INC.)
10) Case No. 2:08-BK-00154-RTBP
11 Debtor.)
ROBERT A. MACKENZIE, Trustee)
13 Plaintiff,)
14 v.)
ELISE TOWNSEND:)
JAMES WARREN TOWNSEND;)
16 Defendants.)
17 _____

18 DEFAULT JUDGMENT

19 This matter having come before the Court upon the Motion For
20 Default Judgment wherein a default judgment is requested against the
21 Defendants in the above-entitled adversary proceeding pursuant to Fed.
22 R. Civ. P. 55 as incorporated by Bankruptcy Rule 7055; and

23 This Court finding, based upon an Affidavit filed herein, that
24 the Defendants have failed to plead or otherwise defend the Complaint
25 filed by the Plaintiff herein; and the Court finding that there is no
just reason to delay the entry of a judgment against the Defendants;
therefore

I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
ON FILE IN THE OFFICE OF THE BANKRUPTCY CLERK.

DATED: 12/12/08 Seal of the Court
SEAL
AUTHORIZED DEPUTY CLERK



1 **IT IS HEREBY ORDERED** that judgment shall be and is hereby
2 entered in favor of the Plaintiff and against Defendants Elise Townsend
3 and James Warren Townsend as follows:

4 A. The transfer of the debtor's \$180,000.00 to the defendants
5 is avoided pursuant to 11 U.S.C. §548(a)(1)(A) and/or §548(a)(1)(B)
6 and/or 11 U.S.C. §544(b) and A.R.S. §44-1001 et seq.

7 B. The defendants, jointly and severally, shall pay to the
8 trustee \$50,000.00 pursuant to 11 U.S.C. §550(a), along with costs of
9 \$250.00, attorneys' fees of \$500.00, along with reasonable attorneys'
10 fees and costs incurred in collection.

11 C. The defendants shall pay interest on all amounts awarded
12 at the federal district court judgment rate from the date of this
13 judgment until satisfaction.

14 **DATED AND SIGNED ABOVE.**

15 COPY mailed December 1, 2008 to:

16 Elise Townsend
17 7040 E. Greenview Cove
18 Pass Christian, MS 39571

19 James Warren Townsend
20 7040 E. Greenview Cove
21 Pass Christian, MS 39571

22 _____
23 /s/ TD009656
24
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